

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JACOB ANGELO MASSEY,

Petitioner,

v.

ATTORNEY GENERAL OF THE STATE
OF NEVADA, *et al*,

Respondents.

Case No. 3:24-cv-00385-MMD-CSD

SCHEDULING ORDER

In this habeas corpus action, the Court appointed counsel for Petitioner Jacob Angelo Massey. (ECF No. 3.) The Federal Public Defender for the District of Nevada appeared on Petitioner's behalf on September 25, 2024. (ECF Nos. 8, 9.) Respondents have also appeared. (ECF No. 7.)

It is therefore ordered that the following schedule will govern further proceedings in this action:

Petitioner will have 60 days from the date of this order to either pay the \$5 filing fee for this action or file a new application to proceed *in forma pauperis*.

Petitioner will have 90 days from the date of this order to file an amended petition for writ of habeas corpus.

Respondents will have 90 days following the filing of the amended petition for writ of habeas corpus to file an answer or other response to the amended petition.

Petitioner will have 60 days following the filing of an answer to file a reply. Respondents will thereafter have 30 days following the filing of a reply to file a response to the reply.

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1 If Respondents file a motion to dismiss, Petitioner will have 60 days following the
2 filing of the motion to dismiss to file a response to that motion. Respondents will thereafter
3 have 30 days to file a reply.

4 If Petitioner wishes to move for leave to conduct discovery, Petitioner may file such
5 motion concurrently with, but separate from, the response to Respondents' motion to
6 dismiss or the reply to Respondents' answer. Any motion for leave to conduct discovery
7 filed by Petitioner before that time may be considered premature, and may be denied,
8 without prejudice, on that basis. Respondents must file a response to any such motion
9 concurrently with, but separate from, their reply in support of their motion to dismiss or
10 their response to Petitioner's reply. Thereafter, Petitioner will have 20 days to file a reply
11 in support of the motion for leave to conduct discovery.

12 If Petitioner wishes to request an evidentiary hearing, Petitioner may file a motion
13 for an evidentiary hearing concurrently with, but separate from, the response to
14 Respondents' motion to dismiss or the reply to Respondents' answer. Any motion for an
15 evidentiary hearing filed by Petitioner before that time may be considered premature, and
16 may be denied, without prejudice, on that basis. The motion for an evidentiary hearing
17 must specifically address why an evidentiary hearing is necessary and must satisfy the
18 requirements of 28 U.S.C. § 2254(e). The motion must state whether an evidentiary
19 hearing was held in state court, and, if so, state where the transcript is located in the
20 record. Respondents must file a response to any such motion concurrently with, but
21 separate from, their reply in support of their motion to dismiss or their response to
22 Petitioner's reply. Thereafter, Petitioner will have 20 days to file a reply in support of the
23 motion for an evidentiary hearing.

24 DATED THIS 30th Day of September 2024.



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27 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE
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